IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 8109 of 2005

Between:

N.S. Md. Hussain, S/o. N.S. Abdullah,
South Central Railway, Yadgir, Guntakal Division.

..... PETITIONER

AND

The Sr. Divisional Commercial Manager, South Central Railway, Guntakal Division, Anantapur.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, or order or direction more particularly in the nature of Writ of Certiorari and set aside the orders of the CAT Bench, Hyderabad in O.A.No.1279 of 2004 dt. 16.12.2004 after calling for the records declaring that petitioner be retained at Guntakal.

Counsel for the Petitioner: MR.K.S.MURTHY

Counsel for the Respondent: MR.R.S.MURTHY, (S.C. for South Central Railways)

The Court made the following :

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ORAL ORDER :(Per Hon'ble Sri Justice G.Bikshapathy)

1 . This writ petition is filed challenging the order passed by the Central Administrative Tribunal, Hyderabad in O.A.No.1279 of 2004, dated 16.12.2004

2. The petitioner is the applicant before the Tribunal who assailed the order, dated 13.11.2004 passed by the respondent transferring him from Guntakal to Yadgiri. It is the contention of the petitioner that he has not completed four years of service and that he has mentally retorted son who is required to be looked after frequently, and therefore, the order of the Tribunal is liable to be set aside. The Tribunal, having considered the matter, dismissed the O.A. Against the said dismissal order, this writ petition has been filed.

3 . The learned counsel for the petitioner submits that there are number of employees who have completed more than four years of service. They were not disputed, but the petitioner is sought to be transferred. It is also stated that for attending on mentally retorted son, the petitioner's presence at Guntakal is very much essential as his son is taking treatment at Guntakal. Therefore, the order of the Tribunal is liable to the set aside.

4. The learned standing counsel for South Central Railways submits

that keeping in view of the services of the petitioner they are very much required at Yadagiri. The petitioner was transferred from Guntakal taking into consideration the mental condition of his son, and the petitioner was allowed to occupy the quarter at Guntakal while working at Yadagiri. This concession was already give to him. Under these circumstances, it cannot be said that the order of the Tribunal is illegal or *mala fide*.

5. We have heard the learned counsel for both the parties.

6 . We do not find any flaw in the order passed by the Tribunal, inasmuch as the learned standing counsel for South Central Railways has fairly conceded that the petitioner will be allowed to occupy the quarter at Guntakal to attend to the medical requirement of his son. We are not inclined to interfere with the order passed by the Tribunal.

7. Accordingly, the writ petition is dismissed. No costs.

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(G. BIKSHAPATHY, J.)

12th April, 2005

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(P.S. NARAYANA, J.)

bcj/bcs

To

1 The Sr. Divisional Commercial Manager, South Central Railway, Guntakal Division, Anantapur.

2 Two C.D. copies.

3 The Registrar, Central Administrative Tribunal, Hyderabad